

ORDINANCE NO. 2016 - ____
CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

AN ORDINANCE FOR REZONING; A MINOR SUBDIVISION PLAT AND REZONING OF AN ORIGINAL TRACT CONTAINING 17.22 ACRES ZONED A-1 GENERAL AGRICULTURAL DISTRICT. THE MINOR SUBDIVISION PLAT, J.P. ESTATES, CONSISTS OF TWO (2) NEWLY CREATED BLOCKS; WITH BLOCK 1 LOT 1 CONTAINING 3.83 ACRES REZONED TO A C-2 GENERAL AND HIGHWAY COMMERCIAL DISTRICT AND BLOCK 2 LOT 1 CONTAINING 6.27 ACRES AND BLOCK 2 LOT 2 CONTAINING 6.09 ACRES BOTH TO BE REZONED TO AN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, an application for a Minor Subdivision Plat and Rezoning was filed with the Planning and Development Department of the City of Cave Springs, Arkansas, on the 13th day of October 2016 by Denise L. McIntosh and Jeff Patterson, requesting to rezone (CSZ-16-11) an original tract containing 17.22 acres (750,257 ft²) currently zoned A-1 General Agricultural located at 1110 S. Main Street, Cave Springs, AR 72718. The Minor Subdivision, J.P. Estates (CSPLT-16-02) consists of two (2) newly created Blocks with proposed Block 1 having one (1) lot, Lot 1 containing 3.83 acres that will be rezoned to a C-2 General and Highway Commercial Zoning District and proposed Block 2 having two (2) lots, Lot 1 containing 6.27 acres and Lot 2 containing 6.09 acres, both will be rezoned to an R-1 Single-Family Residential Zoning District, on the subject property.

WHEREAS, after due notice, as required by law, at a regular meeting held on the 1st day of November, 2016, at the time and place mentioned in all notifications, heard by all persons desiring to be heard on the question and as ascertained of the requested Minor Subdivision Plat and Rezoning, the Cave Springs Planning Commission (CSPC), voted unanimously recommending APPROVAL to the City Council of Cave Springs of the following; Rezoning request by the owner and applicants, Denise L. McIntosh and Jeff Patterson, for real estate described to-wit:

CSPLT-16-02 & CSZ-16-11 | J.P. Estates:

The owner and applicants, Denise L. McIntosh and Jeff Patterson, have requested a Minor Subdivision Plat, J.P. Estates (CSPLT-16-02) and the approval of a Rezoning (CSZ-16-11) of a parent tract containing 17.22 acres (750,257 ft²) currently zoned A-1 General Agricultural located at 1110 S. Main Street, Cave Springs, AR 72718. The Minor Subdivision, J.P. Estates consists of two (2) newly created Blocks with proposed Block 1 having one (1) lot, Lot 1 containing 3.83 acres that will be rezoned to a C-2 General and Highway Commercial Zoning District and proposed Block 2 having two (2) lots, Lot 1 containing 6.27 acres and Lot 2 containing 6.09 acres, both will be rezoned to an R-1 Single-Family Residential Zoning District, on the subject property.

ADDRESS: 1110 S. Main Street, Cave Springs, AR 72718

PARENT PARCEL: 05-10205-001

STR:

Section 12, Township 18 North, Range 31 West

PARENT TRACT LEGAL:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4), PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4), ALL IN SECTION 12, TOWNSHIP 18 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SW CORNER OF THE SW1/4 OF THE NE1/4 OF SAID SECTION 12; THENCE N87°48'03"W 196.98 FEET, SAID POINT BEING IN THE ROADWAY OF S. MAIN STREET (ARKANSAS HWY. 112); THENCE ALONG SAID ROADWAY N15°56'34"E 532.62 FEET; THENCE LEAVING SAID ROADWAY S70°51'51"E 425.26 FEET; THENCE N25°27'34"E 353.80 FEET; THENCE S75°41'47"E 868.89 FEET; THENCE S02°45'15"W 340.27 FEET; THENCE N87°14'35"W 417.57 FEET; THENCE S02°45'56"W 208.56 FEET TO THE SOUTH LINE OF SAID SW1/4 OF THE NE1/4; THENCE ALONG SAID SOUTH LINE N87°15'06"W 772.78 FEET; THENCE LEAVING SAID SOUTH LINE S02°28'10"W 15.00 FEET; THENCE N87°16'12"W 130.00 FEET; THENCE N02°24'12"E 14.79 FEET TO THE POINT OF BEGINNING, CONTAINING 750,257.21 SQUARE FEET OR 17.22 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

PARENT TRACT SIZE:

17.22 acres (750,257 ft²)

BLOCK 1 LOT 1 | Rezone to C-2 General and Highway Commercial Zoning District:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) AND PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4), SECTION 12, TOWNSHIP 18 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SW CORNER OF THE SW1/4 OF THE NE1/4 OF SAID SECTION 12; THENCE N87°48'03"W 155.80 FEET TO THE EAST RIGHT-OF-WAY LINE OF S. MAIN STREET (ARKANSAS HWY. 112); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N15°56'34"E 520.62 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S70°51'51"E 385.20 FEET; THENCE S23°35'12"W 202.05 FEET; THENCE S21°56'25"W 188.07 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE

THE FOLLOWING COURSES: N87°15'06"W 36.12 FEET; THENCE S76°04'41"W 34.17 FEET; THENCE S59°04'14"W 36.07 FEET; THENCE S43°05'12"W 19.95 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE N87°16'12"W 87.01 FEET; THENCE N02°24'12"E 14.79 FEET TO THE POINT OF BEGINNING, CONTAINING 166,791.95 SQUARE FEET OR 3.83 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

BLOCK 2 LOT 1 | Rezone to R-1 Single-Family Residential Zoning District:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4), SECTION 12, TOWNSHIP 18 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SW CORNER OF THE SW1/4 OF THE NE1/4 OF SAID SECTION 12; THENCE S02°24'12"W 14.79 FEET; THENCE S87°16'12"E 87.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING COURSES: N43°05'12"E 19.95 FEET; THENCE N59°04'14"E 36.07 FEET; THENCE N76°04'41"E 34.17 FEET; THENCE S87°15'06"E 36.12 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE N21°56'25"E 188.07 FEET; THENCE N23°35'12"E 202.05 FEET; THENCE N25°27'34"E 353.80 FEET; THENCE S75°41'47"E 386.89 FEET; THENCE S23°34'19"W 658.32 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N87°15'06"W 415.32 FEET TO THE POINT OF BEGINNING, CONTAINING 273,312.49 SQUARE FEET OR 6.27 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

BLOCK 2 LOT 2 | Rezone to R-1 Single-Family Residential Zoning District:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4), SECTION 12, TOWNSHIP 18 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SW CORNER OF THE SW1/4 OF THE NE1/4 OF SAID SECTION 12; THENCE S02°24'12"W 14.79 FEET; THENCE S87°16'12"E 87.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING COURSES: N43°05'12"E 19.95 FEET; THENCE N59°04'14"E 36.07 FEET; THENCE N76°04'41"E 34.17 FEET; THENCE S87°15'06"E 451.44 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE N23°34'19"E 658.32 FEET; THENCE S75°41'47"E 482.00 FEET; THENCE S02°45'15"W 340.27 FEET; THENCE N87°14'35"W 417.57 FEET; THENCE S02°45'56"W 178.56 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N87°15'06"W 288.59 FEET TO THE POINT OF BEGINNING, CONTAINING 265,210.36 SQUARE FEET OR 6.09 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NOW, THEREFORE, be it enacted by the City Council of the City of Cave Springs as follows;

Section 1. That the above described real estate be APPROVED to rezone (CSZ-16-11) a parent tract containing 17.22 acres (750,257 ft²) currently zoned A-1 General Agricultural located at 1110 S. Main Street, Cave Springs, AR 72718. The Minor Subdivision, J.P. Estates consists of two (2) newly created Blocks with proposed Block 1 having one (1) lot, Lot 1 containing 3.83 acres that will be rezoned to a C-2 General and Highway Commercial Zoning District and proposed Block 2 having two (2) lots, Lot 1 containing 6.27 acres and Lot 2 containing 6.09 acres, both will be rezoned to an R-1 Single-Family Residential Zoning District., as requested; unanimously recommended for APPROVAL by the Cave Springs Planning Commission (CSPC) on the 1st day of November; That upon the conclusion of a properly advertised public hearing and meaningful deliberation, the City Council of Cave Springs, by majority vote, did APPROVE the above styled application and request, Done this 8th day of November, 2016:

Section 2. This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

Section 3. The Official Zoning Map of the City of Cave Springs, Benton County, Arkansas is hereby amended to reflect the Rezoning.

PASSED AND APPROVED this 8th day of November, 2016:

APPROVED:

ATTEST:

Travis Lee, Mayor

Kimberly Hutcheson, City Recorder | Treasurer

(SEAL)